

From: Grever, Louis E.
Sent: Tuesday, December 13, 2011 8:42 PM
To: Kelly, Stephen; Fulgham, Chad L.
Cc: Zebley, Aaron M.; Hess, Amy S.; Bryars, D Keith; DiClemente, Anthony P.; Snow, Gordon M.; Henry, Shawn
Subject: Re: Carrier IQ - Quick Question...

Stephen,

We are good with the proposed statement and [REDACTED] It accurately reports that [REDACTED]

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Just so you are aware [REDACTED]

Louis E. Grever
Exec. Asst. Dir.
FBI Science & Technology
[REDACTED]

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From: Kelly, Stephen
To: Kelly, Stephen; Grever, Louis E.; Fulgham, Chad L.
Cc: Zebley, Aaron M.; Hess, Amy S.; Bryars, D Keith; DiClemente, Anthony P.; Snow, Gordon M.; Henry, Shawn
Sent: Tue Dec 13 20:26:12 2011
Subject: RE: Carrier IQ - Quick Question...

One more quick thing... [REDACTED]

[REDACTED]:

[REDACTED]

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[REDACTED]

Thanks again for the quick response.

- Stephen

Stephen D. Kelly
Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation
[REDACTED]

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From: Kelly, Stephen
Sent: Tuesday, December 13, 2011 8:21 PM
To: Grever, Louis E.; Fulgham, Chad L.
Cc: Zebley, Aaron M.; Hess, Amy S.; Bryars, D Keith; DiClemente, Anthony P.; Snow, Gordon M.; Henry, Shawn
Subject: RE: Carrier IQ - Quick Question...

This is very helpful. We will try to [REDACTED] at the hearing,

[REDACTED]
[REDACTED] We are fully aware of the FOIA issue and agree that there has been a misinterpretation of the exemption used in the case.

Thx.

Stephen D. Kelly
Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation
[REDACTED]

From: Grever, Louis E.
Sent: Tuesday, December 13, 2011 8:20 PM
To: Kelly, Stephen; Fulgham, Chad L.
Cc: Zebley, Aaron M.; Hess, Amy S.; Bryars, D Keith; DiClemente, Anthony P.; Snow, Gordon M.; Henry, Shawn
Subject: Re: Carrier IQ - Quick Question...

Stephen,

Just got off the phone with Tony DiClemente in OTD and confirmed that [REDACTED]
[REDACTED]

The suspicion that we have used that app is likely attributable to a FOIPA that was recently answered by RMD with a boiler plate response that 'we do not provide information as to tools we may or may not use in the course of investigations...'. That 'non-answer' has been interpreted by conspiracy theorists to mean that we must obviously use the tool.

That is simply not the case.

And for full visibility, we have learned that the [REDACTED]
[REDACTED]

Does this give you enough?
Louis

Louis E. Grever
Exec. Asst. Dir.
FBI Science & Technology
[REDACTED]

From: Grever, Louis E.
To: Kelly, Stephen; Fulgham, Chad L.
Cc: Zebley, Aaron M.; Hess, Amy S.; Bryars, D Keith; DiClemente, Anthony P.
Sent: Tue Dec 13 19:53:57 2011
Subject: Re: Carrier IQ - Quick Question...

Stephen,

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I am presently confirming, [REDACTED]
[REDACTED]

We are aware [REDACTED]

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[REDACTED] Our recent response to inquiries have been misinterpreted by some and have caused them to assume we use Carrier IQ. But that assumption is incorrect.

Stand by for more info from my operational folks.

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Louis E. Grever
Exec. Asst. Dir.
FBI Science & Technology
[REDACTED]

From: Kelly, Stephen
To: Grever, Louis E.; Fulgham, Chad L.
Cc: Zebley, Aaron M.
Sent: Tue Dec 13 19:43:42 2011
Subject: Carrier IQ - Quick Question...

... and sorry for the last minute inquiry.

We have heard from [REDACTED]
[REDACTED]

As you may

[REDACTED] request that was

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[REDACTED] redacted for investigative reasons. Without getting into the FOIA decision, we believe that [REDACTED]
[REDACTED]

[REDACTED] and the blogger is inferring that the basis for the redaction is that we do use Carrier IQ for investigations. I wanted to just check with both of you to see if this issue has been raised with you and [REDACTED]
[REDACTED]

I would appreciate a response from each of you as whether you know [REDACTED]

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[REDACTED] Feel free to call me [REDACTED] if that's easier. And it's fine if you don't know, as this issue just came to my attention late this afternoon.

Many thanks for your assistance, and again sorry for the evening interruption.

- Stephen

Stephen D. Kelly
Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation



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From: [REDACTED]
Sent: Thursday, December 15, 2011 4:32 PM
To: Beers, Elizabeth R.; Kelly, Stephen
Cc: [REDACTED]
Subject: FW: Carrier IQ

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Part II.....

From: [REDACTED]
Sent: Thursday, December 15, 2011 3:14 PM
To: Bresson, Paul E.; [REDACTED]
Cc: [REDACTED] DiClemente, Anthony P.; [REDACTED]
Subject: RE: Carrier IQ

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All,

We'll follow OTD's lead on this, given the nature of the questions.

[REDACTED]

From: Bresson, Paul E.
Sent: Thursday, December 15, 2011 2:42 PM
To: [REDACTED]
Cc: [REDACTED] DiClemente, Anthony P.; [REDACTED]
Subject: Fw: Carrier IQ

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All- Heads-up on this guys. I'll get with my AD and work with you all on a response.

From: Lardner, Richard <RLardner@ap.org>
To: Bresson, Paul E.
Cc: Kortan, Michael P.
Sent: Thu Dec 15 14:16:15 2011
Subject: Carrier IQ

Paul – I just spoke with an executive at Carrier IQ and he told me that the FBI had approached the company about using its technology.

That statement appears to contradict FBI Director Robert Mueller's testimony before the Senate Judiciary Committee on Wednesday, where he said that the bureau "neither sought nor obtained information" from Carrier IQ "in any one of our investigations."

I'd like to get a comment as soon as possible on this, as well as answers to the questions below:

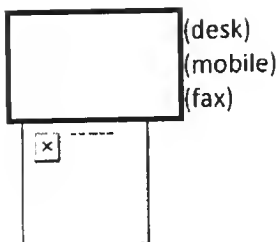
1. When did the FBI contact Carrier IQ, how many times in total, and for what reasons?
2. Has the FBI ever used or tested Carrier IQ's software or any other product made by the company; that is, for investigations or for any other purposes?
3. What did Mr. Mueller not tell the committee yesterday that the bureau had approached the company?

Thanks very much.

Richard Lardner
Associated Press
Washington Bureau

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file: [REDACTED]



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From: Beers, Elizabeth R.
Sent: Wednesday, December 14, 2011 5:16 PM
To: Kelly, Stephen
Cc: [REDACTED]
Subject: RE: Any concerns with ...

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Stephen – just fyi. OTD [REDACTED] had raised the issue of Carrier IQ with OPA and OCA earlier this week and offered to come by and give us a briefing – [REDACTED] b5
[REDACTED] That briefing is scheduled for tomorrow morning (Thursday 12/15) @ 9:30 am in our conference room. [REDACTED] is staffing the meeting for us. You're welcome to sit in if you think it would be helpful or [REDACTED] can give you a backbrief. Thanks,

Elizabeth Beers
Director, Office of Privacy and Civil Liberties
U.S. Department of Justice

From: Kelly, Stephen
Sent: Wednesday, December 14, 2011 4:14 PM
To: Grever, Louis E.; DiClemente, Anthony P.; Sabol, Sherry E.
Cc: Fulgham, Chad L.; Hall, Dean E.; Zebley, Aaron M.; [REDACTED] (DO)(FBI); Beers, Elizabeth R.
Subject: Any concerns with ...

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... the Director's answers on Carrier IQ at the hearing today? I know this came up at the last minute, and I expect he may want to know more about this issue. In the meantime, let me know if we got any of this wrong. Thanks all for your assistance last night.

- Stephen

FRANKEN:

Recent research has shown that Carrier IQ's software captures a broad range of sensitive information like the content of text messages, the content of searches, even if those searches are -- if the user thinks they're encrypted, Carrier IQ gets them back unencrypted, also the full addresses of the websites that users use or visit.

News reports have suggested that the FBI accesses and analyzes information gathered by Carrier IQ's software. What wireless carriers have the FBI requested this information from? What carriers? And what information have you obtained from those requests?

MUELLER:

Let me start off by saying we have neither sought nor obtained any information from Carrier IQ in any one of our investigations.

And I only follow-up by saying that there was some confusion I believe in terms of the response to a FO -- Freedom of Information Act request, which indicated a standard exemption was being utilized. And from that it was extrapolated that perhaps we were obtaining information from Carrier IQ.

As I said before, we are not -- have not and are not -- have not sought and do not have any information from Carrier IQ.

FRANKEN:

Well, what about not directly from Carrier, but what about from the wireless carriers?

MUELLER:

That's very general in terms of wireless carriers. I am -- well, let me put it...

FRANKEN:

Get information from them from use of their software of Carrier IQ?

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file: [REDACTED]

MUELLER:

No, I don't believe so. If you're specifying use of the Carrier IQ software in -- by another -- by a wireless carrier, have we sought that, I do not believe so. In other words, I'd have to -- I'd have to check and be more specific in the question and the answer I give you because...

(CROSSTALK)

FRANKEN:

... follow through with that.

MUELLER:

... it be FISA Title 3, we would seek particular information. I do not know in the information we seek, from wireless carriers or what have you, and I'm not talking about Carrier IQ, I'm talking about wireless carriers...

FRANKEN:

Right.

MUELLER:

... that we may obtain information that in some way Carrier IQ may have been involved with. I'd have to get back to you specifically on that particular...

(CROSSTALK)

FRANKEN:

OK. Great. I appreciate that.

Stephen D. Kelly
Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation

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